THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.7314 OF 2006

DATED: 01-02-2007

BETWEEN

K. Subba Rao, S/o. K. Guraiah,
Occ: School Correspondent,
R/o. 21-445, Shamshabad,
R.R. District and another.

...PETITIONERS

AND

The Commissioner of Police,
Cyberabad, Lakdi-Ka-Pul,
Hyderabad and others.

...RESPONDENTS

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the respondents in harassing the petitioners without setting the law into motion and consequently direct them to refrain from summoning them in the interest of justice.

2. It is the case of the petitioners that the first petitioner is the father of the second petitioner and the fifth respondent is working as a teacher in the school of the petitioners. It is the stated that the fifth respondent expressed her intention to marry the second petitioner though she is eight years older to him. The said development was informed to the parents of the fifth respondent, upon which she bore grudge and influenced the police to harass them. Thereafter, the police personnel from Rajahmundry and Sitanagaram Police Station visited the school and residence of the petitioners thrice without any warrant or summons. In fact, the

first petitioner filed a complaint against the fifth respondent alleging that she had committed theft of gold ornaments and the said complaint was registered as Cr.No.20 of 2006 on the file of the second respondent police station.

3. Counter has been filed by the third respondent stating that the allegations of the petitioners that they were summoned to the police station due to the pressure exerted by fifth respondent and that the police personnel visited their school and residence are false and the same have been denied. In fact, the case in Cr.No.20 of 2006 registered on the complaint of the petitioners was found to be false after investigation and a final report to that effect has also been filed before the concerned Court. It is further stated that the fifth respondent had not filed any complaint against the petitioners,
as such the question of taking action and harassing them does not arise.

4. In view of aforesaid counter that the police never summoned the petitioners to the police station and never harassed them and in view of the fact that the complaint of the petitioners had been registered and found to be false no direction can be issued in this writ petition. However, it is always open to the petitioners to take appropriate action against the final report filed before the concerned Court. Further, the respondents 3 and 4 cannot interfere with the life and liberty of the petitioners without there being any complaint to the effect that the petitioners have committed a cognizable offence.

The writ petition is accordingly dismissed with the above observations. There shall be no order as to costs.

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V. ESWARAIAH, J

February 1, 2007
DSK